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In re Application of :
Bojidar M Stankov :
Serial No.: 09/854,802 : PETITION DECISION
Filed: May 14, 2001 :
Attorney Docket No.: 1259-001 :

This is in response to the petition under 37 CFR 1.181, filed June 2, 2005, requesting the Director overrule an examiner's determination under 37 CFR 1.175(c).

A review of the file history shows that the examiner mailed a Final Office action to applicant on November 30, 2004, setting a three month shortened statutory period for reply. Included as part of the Office action was a section objecting to claims 17-18, 20-22 and 24 as failing to comply with 37 CFR 1.175(c) (further limit the claim from which they depend). Applicant filed an amendment, Notice of Appeal and Appeal Brief and a request for a three month extension of time and the appropriate fees for all on June 2, 2005, along with this petition. The petition requests the Commissioner (Director) to overrule the examiner's determination. 35 U.S.C. 112, fourth paragraph, provides the basis for 37 CFR 1.175(c) and could have been used to reject the claim. As such the matter would appropriate for the Board of Patent Appeals and Interferences to decide as it would have been based on the statute. However, inasmuch as the examiner used 37 CFR 1.175(c) as the basis for the objection, petition is the appropriate vehicle for resolution. A review of the claims shows the position of the examiner to not be justified. The requirement is therefore withdrawn.

The petition is **GRANTED**.

The application will be forwarded to the examiner for preparation of the Examiner's Answer or other appropriate action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600